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10/611,616	06/30/2003	Ling Chen	1020.P16534	1415

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EXAMINER	
NGUYEN, TANH Q	
ART UNIT	**PAPER NUMBER**
2182	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/611,616	CHEN, LING	
	Examiner	Art Unit	
	Tanh Q. Nguyen	2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 October 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18 and 20-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-18 and 20-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 June 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

3. Claims 1-18, 20-23 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 1 recites "determining a frame boundary for said audio information" in line 5. The specification discloses at [0037], lines 8-16,

> AID 302 may also be programmed with the various frame sizes and frame boundaries for the components of MPM 300. As AID 302 stores information in FSS buffer 318, AID 302 monitors to detect whether the storage location corresponds to a frame boundary for one of the components. If the storage location does correspond to a frame boundary for one of the components, then AID 302 may pass a signal with the frame boundary to SAC 316.

The specification, therefore, only supports determining whether the storage location corresponds to a frame boundary for one of the components. The specification does not support "determining a frame boundary for the audio information".

Each of claims 6, 13, 18 recites a limitation similar to the aforementioned limitation, and each is rejected on the same basis. Applicant is required to specifically

point out the location that supports for the aforementioned limitation by page(s) and line number(s) - if applicant argues otherwise.

4. Claims 1-18, 20-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "determining a frame boundary for said audio information" in line 5. Each of claims 6, 13, 18 also recites a limitation similar to such limitation. It is not clear what applicant intends to claim with such limitation.

Claim 1 recites "said frame boundary" in line 7, claim 3 recites "said determined frame boundary" in lines 3-4 and "said frame boundary" in line 5, and claim 4 recites "said frame boundary" in line 3. It is not clear whether "said determined frame boundary" and "said frame boundary" refer to the same frame boundary.

Claim 5 recites "reading a frame of audio information from said buffer using said index; processing said audio information". It is not clear how the audio information can be processed when only one frame of the audio information is read for processing. It appears that "processing said read frame" is more appropriate. Furthermore, it appears that "writing said processed frame" is more appropriate than "writing said processed audio information".

Claim 6 recites "said schedule" in line 9. There is insufficient antecedent basis for such limitation.

Claim 6 recites "said components" in line 5 and in line 8, and also recites "said plurality of components" in line 7. It is not clear whether "said components" refers to the

plurality of components in line 4.

Claim 6 recites "said audio information" in line 3. It is not clear whether "said audio information" refers to the audio information in line 6 of claim 6, the audio information in lines 1-2 or claim 9, or the audio information in line 2 of claim 9.

Claim 6 recites "said determined frame boundary" in line 9, and claim 11 recites "said frame boundary" in line 3. It is not clear whether "said determined frame boundary" and "said frame boundary" refer to the same frame boundary.

Claim 11 recites "selecting some components to access said buffer using said frame boundary, and sending a signal to said selected components to access said buffer", claim 12 recites "wherein each component accesses said stored information by receiving said second signal, retrieving an index to indicate a first buffer location". It is not clear how each component can access the stored audio information by receiving the second signal when the second signal is sent only to selected components.

Claim 12 recites "said audio information" in line 5. It is not clear whether such limitation refers to the audio information in line 2 of claim 9, or the audio information in line 3 of claim 12.

Claim 12 recites "reading a frame of said stored audio information from said buffer using said index, processing said read audio information". It is not clear how the read audio information can be processed when only one frame of the stored audio information is read for processing. It appears that "processing said read frame" is more appropriate. Furthermore, it appears that "writing said processed frame" is more appropriate than "writing said processed audio information".

Claim 13 recites "said frame boundary" in lines 7-8, claim 15 recites "said determined frame boundary" in line 3, "said determined frame boundary" in line 4, and claim 16 recites "said frame boundary" in line 3. It is not clear whether "said determined frame boundary" and "said frame boundary" refer to the same frame boundary.

Claim 17 recites "reading a frame of audio information from said buffer using said index, processing said audio information". It is not clear how the audio information can be processed when only one frame of the audio information is read for processing. It appears that "processing said read frame" is more appropriate. Furthermore, it appears that "writing said processed frame" is more appropriate than "writing said processed audio information".

Claim 14 recites "further result in said storing **by** receiving...", claim 15 recites "further result in said storing **by** determining...", claim 16 recites "further result in said scheduling **by** receiving...", and claim 17 recites "further result in said accessing **by** receiving...". It is not clear what applicant intends to claim. It appears that claim 14 should recite "further result in said storing **comprising** receiving...", that claim 15 should recite "further result in said storing **comprising** determining...", that claim 16 should recite "further result in said scheduling **comprising** receiving...", and claim 17 should recite "further result in said accessing **comprising** receiving...".

Claims 18, 20-23 generally correspond to claims 6, 9-12 and are rejected on the same bases - see rejections of claims 6, 9-12 above.

5. The following rejections are based on the examiner's best interpretation of the claims.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-2; 6-9; 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by **Parry et al. (USP 6,463,486)**.

8. As per claims 1-2, 13-14, **Parry** teaches a method and corresponding article comprising a storage medium that includes instructions to manage a buffer, comprising:

storing audio information in a circular buffer [124, FIGs. 6, 7; col. 7, lines 30-32; col. 7, lines 19-21];

generating a schedule of (i.e. scheduling) access to said audio information by a plurality of components [126, FIGs. 6, 7; col. 8, lines 22-24];

determining a frame boundary for said audio information [determining start location and end location of data to be read [col. 11, lines 59-64; col. 12, lines 20-24]]; and

accessing said stored audio information by said components in accordance with said schedule [col. 7, lines 32-39] and said frame boundary [col. 12, lines 36-39],

wherein said storing comprises receiving audio information [col. 7, lines 30-32], identifying a buffer location to store said audio information [col. 8, lines 35-41; col. 11,

lines 14-16], and storing said audio information in said buffer location [col. 11, lines 14-16].

9. As per claims 6,9, Parry teaches an apparatus [FIG. 6] to perform media processing, comprising:

a circular buffer [124, FIGs. 6, 7];

an audio data module [122, FIGs. 6, 7; col. 7, lines 19-21] connected to said circular buffer;

a plurality of components [126, FIGs. 6, 7; 130, FIG. 6; col. 4, lines 55-57] connected to said circular buffer; and

a scheduling module [200, FIG. 7] connected to said audio data module and said components, said scheduling module to schedule access to said audio information stored by said circular buffer for said plurality of components, said audio data module to determine a frame boundary for said stored audio information, and said components to access said stored audio information in accordance with said schedule and said determined frame boundary (see rejections of claims 1-2, 12-13 above),

wherein the audio data module stores audio information in the circular buffer [col. 7, lines 30-32] by receiving audio information [col. 7, lines 30-32], identifying a buffer location to store the audio information [col. 8, lines 35-41; col. 11, lines 14-16], and storing said audio information in said buffer location [col. 11, lines 14-16],

10. As per claims 7-8, Parry further teaches the plurality of components comprising at least a voice encoder [effect filters [col. 20, lines 59-60]] and a preprocessing module [col. 20, lines 60-64];

the plurality of components comprising at least a data modem [col. 4, lines 55-57 and a voice decoder [120, FIGs. 5, 6];

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

12. Claims 18, 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Parry et al.**.

Parry teaches and a system to process audio information [col. 1, lines 30-33], comprising a media processing device (the media processing device of claims 6, 9) for streaming media information over the Internet [col. 1, lines 30-33].

Perry therefore discloses the invention except for the system comprising a media gateway and a media gateway controller, and except for the media gateway and the media gateway controller being connected to the media processing device.

Since Parry teaches the media processing device streaming media information over the Internet, and since it was known in the art at the time the invention was made for a media gateway to stream media between a local network and the Internet, it would have been obvious to one of ordinary skill in the art at the time the invention was made to connect a media gateway and a corresponding media gateway controller to the media processing device in order to stream data between a local network and the

Internet.

Response to Arguments

13. Applicant's arguments filed October 24, 2006 have been fully considered but they are not persuasive, and/or moot in view of the new grounds of rejection.

14. The arguments with respect to the 112 rejections are moot in view of the new grounds of rejection.

15. The arguments with respect to the 102 and 103 rejections are not persuasive. Applicant argued that Parry fails to teach "determining a frame boundary for stored audio information" because the portions cited by the examiner merely discuss positions within a circular buffer, such as logical positions, as well as head and tail pointers that references beginning and end positions of the buffer, and that Perry does not discuss characteristics of information (e.g. frames) stored within the circular buffer.

The arguments are not persuasive because the cited portions of Parry teach the start location of data to be read (audio information) being a boundary that corresponds to a frame of the buffer - hence a start frame boundary for the audio information, and the end location of the data to be read being a boundary that corresponds to another frame of the buffer - hence a end frame boundary for the audio information. As such, Parry teaches the characteristics of the information (i.e. start and end frame boundaries of the audio information) and "determining a frame boundary for the audio information".

Please note that the recited claims are not specific enough to preclude Parry's teachings, and further that the limitations from the specification are not read into the

claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tanh Q. Nguyen whose telephone number is 571-272-4154. The examiner can normally be reached on M-F 9:30AM-7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on 571-272-4147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TANH Q NGUYEN
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100

January 8, 2007

TQN
January 8, 2007